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SERVICE DATE – OCTOBER 21, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-391 (Sub-No. 10X)

RED RIVER VALLEY & WESTERN RAILROAD COMPANY
–ABANDONMENT EXEMPTION–
IN FOSTER AND WELLS COUNTIES, ND

Decided: October 18, 2005

The Red River Valley & Western Railroad Company (RRVW) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon approximately 27.76 miles of rail line from approximately milepost 21.4 in or near Carrington, ND, to the end of the line at approximately milepost 29.16 in or near Bowdon, ND. Notice of the exemption was served and published in the Federal Register on November 3, 2004 (69 FR 64131-32). In the November 3, 2004 notice, the Board stated that, if consummation has not been effected by RRVW's filing of a notice of consummation by November 3, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

On October 6, 2005, RRVW submitted a request to extend until December 7, 2006, the time to consummate the abandonment and to file its notice of consummation. According to RRVW, it has received a permit from the U.S. Army Corps of Engineers that is valid until that date to remove certain bridges on the line. RRVW states that the extension will enable it to coordinate its consummation of abandonment authority with any removal of the bridges. RRVW further states that the extension will provide it with additional time to consider all of its options regarding long-term plans for the rail line, and will remove uncertainty as to the date on which any remaining regulatory/legal conditions are considered to be satisfied, expired or removed.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. Good cause has been shown and the deadline for filing the notice of consummation will be extended to December 7, 2006.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ By decision served December 1, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to six environmental conditions, which remain in effect.

It is ordered:

1. RRVW's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before December 7, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary